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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,314	12/21/2001	Nobuaki Yamada	829-595	6744

7590

02/27/2003

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EXAMINER

NGUYEN, DUNG T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/024,314

Applicant(s)

Yamada et al.

Examiner

Dung Nguyen

Art Unit

2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 29, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3-11, and 22-31 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 26 is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 22, 23, 25, and 27-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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***Response to Amendment***

Applicant's amendment dated 11/29/2002 has been received and entered.

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-6, 10-11 and 22-23, 25 and 27-31 stand rejected under 35 U.S.C. 102(b) as being anticipated by Applicants submitted prior art, Horie et al., JP 8-292423 as stated in the previous office action.

Applicants contend that Horie does not disclose an LCD having liquid crystal molecules that are aligned in a direction substantially vertical to the substrates when no voltage is being applied. The Examiner is not convinced by this argument since the same is true of the Horie et al. LCD device. In particular, Horie et al. do disclose a vertical alignment property being use in the LCD device (see Horie et al., US 6,061,117, col. 3, ln. 56). In other words, liquid crystal molecules would be aligned in a vertical direction by the vertical alignment.

Accordingly, the rejection of the above claims stand.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants submitted prior art, Horie et al., JP 8-292423, in view of Miyashita et al., US 5,184,236.

Regarding claims 7-9, Horie et al. disclose the claimed invention as described above except for a twist angle and a retardation value of the liquid crystal layer as well as a pair of polarizing plates. Miyashita et al. do disclose in figure 5 that a twisted angle being 90 degrees and a retardation value of a liquid crystal layer being 380nm (col. 8, ln. 65). Miyashita et al. also disclose a pair of polarizing plates arranged in crossed Nicols (P1, P2). Therefore, such disclosed range of the twist angle and the retardation value of the liquid crystal layer in Miyashita et al. makes possible the twisted angle claimed range of about 45 degrees to about 110 degrees and the retardation value claimed range of 300nm to 500nm and overlapping ranges are at least obvious. In re Malagari, 499 Fed.2d 1297, 182 USPQ 549 CCPA 1974. Furthermore, it would have been obvious to one skilled in the art to form a Nicols polarizing plates in the Horie et al. LCD device as shown by Miyashita et al. in order to improve viewing angle characteristics of an LCD device.

***Allowable Subject Matter***

5. Claims 24 and 26 are allowed.

***Response to Arguments***

6. Applicant's arguments filed 11/29/2002 have been fully considered but they are not persuasive as stated above.

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*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423.

DN  
02/21/2003

  
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